

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

REBEL HAYS,

Plaintiffs,

vs.

TRANSWORLD SYSTEMS INC., *et al.*,

Defendants.

Case No. 1:15-cv-681

Hon. Robert J. Jonker

ORDER

Pro se plaintiff filed this action on June 29, 2015. The record reflects that summonses have been issued to the five defendants named in the complaint. This matter is before the court on plaintiff's "Motion for order directing service by U.S. Marshal" (docket no. 5).

Plaintiff is responsible for having the summons and complaint served on each defendant. *See* Fed. R. Civ. P. 4(c)(1). Service of the summons and complaint may be accomplished by "[a]ny person who is at least 18 years old and not a party" to the litigation. *See* Fed. R. Civ. P. 4(c)(2). Here, plaintiff asks this Court to order the United States Marshals Service to serve a summons and complaint on each defendant pursuant to Fed. R. Civ. P. 4(c)(3), which provides that:

At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

The Court is not required to order the United States Marshals Service to serve the defendants in this action because plaintiff has paid the filing fee and is not proceeding *in forma pauperis*. *See* Fed. R. Civ. P. 4(c)(3). While the Court has discretion to order the United States Marshals Service to serve the defendants, plaintiff's one-sentence motion does not present any reason why this Court should

enter such an order. Furthermore, plaintiff has failed to file a brief in support of his motion as required by W.D. Mich. LCivR 7.1(a), which provides in pertinent part that “[a]ll motions, except those made during a hearing or trial, shall be accompanied by a supporting brief” which “shall contain a concise statement of the reasons in support of the party’s position and shall cite all applicable federal rules of procedure, all applicable local rules, and the other authorities upon which the party relies.” Plaintiff is advised that future motions filed in this action must be accompanied by a supporting brief pursuant to W.D. Mich. LCivR 7.1(a).

Accordingly, plaintiff’s motion (docket no. 5) is **DENIED** without prejudice. Plaintiff may re-file this motion with an appropriate supporting brief setting consistent with W.D. Mich. LCivR 7.1(a).

IT IS SO ORDERED.

Dated: July 27, 2015

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge